



Docket No. 61545/JPW/RAD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Goodman et al.
Serial No. : 09/769,902
Filed : January 25, 2001
For : A METHOD FOR REGULATING GENES
WITH ELECTROMAGNETIC RESPONSE ELEMENTS

1185 Avenue of the Americas
New York, New York 10036
May 7, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Office of Petitions

06/08/2001 TV0111 00000007 09769902

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Sir:

130.00 OP

**PETITION IN RESPONSE TO MARCH 7, 2001
NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION**

This Petition is filed in response to a Notice of Incomplete NonProvisional Application issued by the United States Patent and Trademark Office on March 7, 2001 in connection with the above-identified application. A copy of the Notice is attached hereto as **Exhibit A**. The Notice provides a period of two months for filing a response. Therefore, a response is originally due on May 7, 2001. Accordingly, this Petition is being timely filed.

The Notice indicates that the oath or declaration is unsigned. In response, pursuant to 37 C.F.R. §1.53(d) and in compliance with 37 C.F.R. §1.63, applicants attach hereto as **Exhibit B** a signed Declaration and Power of Attorney which refers to the application's above-identified serial number and filing date.

Applicants maintain that small entity status was applicable at the time of filing and that such status still applies. In support,

Adjustment date: 07/27/2001 LGIBBS
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Ref: 07/27/2001 LGIBBS 0014335400
Name/Number: 09769902
FC: 704 \$130.00 CR

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applicants attach hereto a Verified Statement (Declaration) Claiming Small Entity Status Under 37 C.F.R. §1.9(f) and §1.27(d) (Nonprofit Organization) for Columbia University as **Exhibit C**. The Statement is signed by the authorized official of the entity who has rights in the subject application, namely Columbia University.

The Notice indicates that the application was deposited without drawings. Applicants assert that the drawings were submitted with the original filing on January 25, 2001. In support of this assertion, applicants note that the postcard references the transmittal letter which was submitted, and the transmittal letter references the two sheets of informal drawings that were submitted. Therefore, applicants assert that the drawings were in fact submitted with the original filing, and respectfully request that the application be entitled to a filing date of January 25, 2001. A courtesy copy of the drawings is being submitted with this response as **Exhibit D**.

The Notice indicates that a petition fee of \$130.00 under 37 C.F.R. 1.17 (i) is due, and applicants are enclosing a check for \$130.00 with this response. Applicants, however, hereby request a refund of this petition fee due to the Applicant's assertion that the drawings were in fact submitted with the original filing.

In addition, in the event that the United States Patent and Trademark Office charged any fees in addition to those required for a small entity, applicants hereby request a refund for any such fees. This refund should be credited to Deposit Account No. 03-3125 Under Docket No. 61545.

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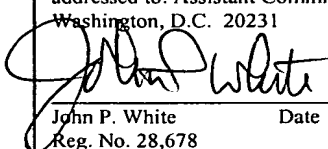
No fee, other than the enclosed \$130.00 petition fee, is deemed necessary in connection with the filing of this Petition. However, If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents Washington, D.C. 20231



John P. White
Reg. No. 28,678

5/7/01
Date